

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
vs.) Case No. 15-CV-802-NJR-SCW
)
JOANNA ZUNIGA,)
)
Respondent.)

ORDER DISMISSING CASE

ROSENSTENGEL, District Judge:

Now pending before the Court is the "Notice of Dismissal" filed by Petitioner on December 10, 2015. Petitioner seeks dismissal of its petition to enforce IRS summons because Respondent Joanna Zuniga has now fully complied with the summons.

Federal Rule of Civil Procedure 41(a)(1)(A) provides for dismissal without a court order of "an action" provided that a Respondent has not filed an answer or motion for summary judgment or if all parties who have appeared signed the stipulation. Rule 41(a) "speaks of dismissing 'an action'-which is to say, the whole case." *Berthold Types Ltd. v. Adobe Systems, Inc.*, 242 F.3d 772, 777 (7th Cir. 2001). In this case, Respondent has not filed an answer or a motion for summary judgment and, thus, the notice is sufficient to dismiss the action. Accordingly, this action is **DISMISSED without prejudice** and without fees or costs to each party.

Because Respondent has fully complied with the summons, the Court **DISCHARGES** its previous show cause order and **CANCELS** the show cause hearing set on **January 6, 2016**. It is not necessary for the United States to serve the show cause order as previously directed.

IT IS SO ORDERED.

DATED: December 14, 2015

s/ Nancy J. Rosenstengel
NANCY J. ROSENSTENGEL
United States District Judge